

3181 Amending Title 19 of The San Luis Obispo County Code, The Building and Construction Ordinance, Section 19.02.020e Relating to Time Extensions For Issuance of Construction Permits

ORDINANCE NO. 3181

AN ORDINANCE AMENDING TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE, THE BUILDING AND CONSTRUCTION ORDINANCE, SECTION 19.02.020e RELATING TO TIME EXTENSIONS FOR ISSUANCE OF CONSTRUCTION PERMITS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 19.02.020e of the Building and Construction Ordinance, Title 19 of the San Luis Obispo County Code, is hereby amended as follows:

e. Amend Appendix Sections 105.3.2 and to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 360 days after the date of filing, unless a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not exceeding 180 days. If a delay in issuing the permit has been caused by a public agency having jurisdiction over the permit, the building official may grant one additional extension not exceeding the length of that delay. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Exception #1:

An application for a permit for any proposed work submitted after January 1, 2008 is eligible for an additional time extension until December 31, 2010. A Request for Application Extension form must be submitted for approval by the building official. The fee for an application extension shall be \$66.50 (one half of the hourly fee as adopted in fee schedule). Applications submitted after January 1, 2011 will be subject to the time limitations set forth above in section 105.3.2.

Exception #2:

An application for any proposed work submitted after November 1, 2002 and prior to January 1, 2008 is eligible for an additional time extension until December 31, 2010. A Request for Application Extension and Application Expiration Policy form(s) must be submitted for approval by the building official. The Application Expiration Policy form contains current code requirements that the applicant shall incorporate into their project as a condition of time extension. The fee for an application extension shall be \$399.00 (three hours of the hourly fee as adopted in the fee schedule). Applications submitted on or after January 1, 2011 will be subject to the time limitations set forth above in section 105.3.2.

SECTION 2. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility for this project may have a significant effect on the environment, therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the twenty-first day of July, 2009, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 28th day of July, 2009, by the following roll call vote, to wit:

AYES: Supervisors K.H. 'Katcho' Achadjian, Adam Hill, Frank Mecham,
James R. Patterson and Chairperson Bruce S. Gibson

NOES: None

ABSENT: None

ABSTAINING: None

/s/ Bruce S. Gibson
Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

/s/ Julie L. Rodewald
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

By: /s/ Sandy Currens
Deputy Clerk